

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL  
MEETING MINUTES OF JANUARY 14, 2021

**PRESENT**

**VIA TELECONFERENCE:**

CARL J. RICHKO	)	CHAIR
KURT ALSTED	)	VICE CHAIR
MICHAEL R. DRESSLER	)	COUNCIL MEMBERS
MICHAEL FRANCIS	)	
ROBERT HOLTAWAY	)	
BRUCE JAMES	)	
MICHAEL SEBETICH	)	
DAN VAN ABS	)	
JAMES VISIOLI	)	
RICHARD VOHDEN	)	
ROBERT G. WALTON	)	

**ABSENT:**

TIMOTHY P. DOUGHERTY )

**CALL TO ORDER** 179<sup>th</sup> meeting of the New Jersey Highlands Water Protection and Planning Council was called to order at 4:03pm by teleconference due to COVID-19.

**ROLL CALL**

Roll call was taken. Members Dougherty and Dressler were absent. All other Council Members were present via teleconference. *The following staff members were present via teleconference: Lisa J. Plevin, Christine LaRocca, Maryjude Haddock-Weiler, Keri Green, Corey Piasecki, Ranji Persaud, Kelley Curran, Herbert August, Annette Tagliareni, Carole Ann Dicton, and Tom Tagliareni. Also present via teleconference were Lauren Nathan-LaRusso, Senior Counsel, Governor's Authorities Unit; and Jason Kane, Deputy Attorney General (DAG).*

**OPEN PUBLIC MEETINGS ACT** was then recited.

**PLEDGE OF ALLEGIANCE** was then recited.

**CHAIRMAN'S REPORT**

There was no Chairman's report.

**Resolution – Election of Vice Chair**

*Chair Richko asked for a nomination and motion on the Election of Vice Chair.*

Member James nominated Kurt Alstede and moved to adopt a resolution appointing him as Vice Chair. Member Holtaway seconded the motion.

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*Member Vobden was present via Zoom at 4:09pm.*

*There was no public comment.*

*There was no Council discussion.*

*A roll call vote was taken. The resolution was APPROVED 10-0.*

**Resolution – Election of Treasurer**

*Chair Richko asked for a nomination and motion on the Election of Treasurer.*

Member Alstede nominated Robert Holtaway and moved to adopt a resolution appointing him as Treasurer. Member Visioli seconded the motion.

*There was no public comment.*

*There was no Council comment*

*Member Dressler was present at 4:17pm.*

*A roll call vote was taken. The resolution was APPROVED 11-0.*

**EXECUTIVE DIRECTOR'S (ED) REPORT**

Ms. Plevin highlighted the following updates and staff activities:

**COVID-19 Response**

Chester Office Closure/Remote Work

Ms. Plevin reported that staff continues to work remotely and are fully functional.

**Project Highlights**

State Plan Endorsement of Regional Master Plan (RMP)

Ms. Plevin also reported that the State Planning Commission has endorsed the Highlands RMP, which provides a great opportunity for us to promote the advantages of working with Highlands Council to our constituent municipalities and counties. A communication to highlight this information will be going out shortly.

Open Space/HDC Update

The HDC Bank issued a request for proposals for technical assistance related to the establishment of a “municipal average value.” The deadline for responses is February 19<sup>th</sup>.

**Plan Conformance Updates**

Parsippany-Troy Hills Township, Morris County - Petition for Plan Conformance was approved by Highlands Council at our last meeting.

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Washington Borough, Warren County - Petition for Plan Conformance was posted for public comment November 23 through December 23. No comments were received. Ms. Plevin reported that she anticipates that this Petition will come before the Council for consideration at its February meeting.

Lebanon Borough, Hunterdon County – On December 8, the Borough adopted a “Functional Value Assessment and Stream Corridor Plan” as a sub-element of the Conservation Element in the Borough’s Master Plan. Highlands Council staff found the plan to be consistent with the RMP.

#### Municipally Issued Exemptions

Since the prior report, the Highlands Council has been notified of the following:

- Harmony Township, Warren County issued one (1) exemption #5
- Bethlehem Township, Hunterdon County issued one (1) exemption #5
- Califon Borough, Hunterdon County issued one (1) exemption #4
- Montville Township, Morris County issued one (1) exemption #2

#### **Project Review Updates**

Ms. Plevin then reported on the following project review updates:

#### Water Quality Management Plan Amendment

Staff conducted two (2) Water Quality Management Plan Amendment reviews:

- Harding Township, Morris County
  - An applicant is seeking a site-specific amendment to the Northeast Water Quality Management Planning Area to accommodate development of multiple multi-family buildings totaling 96 units
  - Highlands Council staff review pending.
- Chester Township, Morris County
  - An applicant is seeking a site-specific amendment to the Upper Raritan Water Quality Management Plan to accommodate the development of agricultural labor housing.
  - Highlands Council staff finding: Not subject to Highlands Council review.

#### Highlands Redevelopment Area Designation Review

- Rockaway Township, Morris County
  - Applicant, Cibao Meats, in Rockaway Twp., is seeking to expand its facility with additional parking and a solar car port.
  - Project is in the Preservation Area, does not qualify for an exemption, and so will require a Highlands Preservation Area Approval with Redevelopment Waiver.
  - Highlands Council must first designate a Highlands Redevelopment Area.
  - Site meets the 70% Impervious Coverage requirement.
  - The public comment period announcement regarding this project was forwarded to Council members last week.
  - Staff currently anticipates that the Council will review and consider this project at its February meeting.

#### Planning Area Consistency Review

Staff is currently reviewing four (4) projects in the Planning Area for consistency with the RMP:

- 295 Route 17 North – Mahwah Township, Bergen County

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- Applicant is seeking to construct a parking storage area for an existing car dealership on the adjacent lot.
- Bridge Point 78 – Phase III – Lopatcong Township, Warren County
  - Applicant is seeking to construct 1.1 million square feet of warehousing in two buildings, in the Lopatcong Township Highlands Center.
- NFI Real Estate - Lopatcong Township, Warren County
  - Applicant is seeking to construct an approximately 550,000 sq ft warehouse in the Lopatcong Highlands Center.
- Lebanon Town Center – Lebanon Borough Hunterdon County
  - Applicant is seeking to construct 280 apartment units, 20% of which will be affordable housing, in the Lebanon Borough Highlands Center.

Preservation Area Exemption Review

Staff conducted one (1) Highlands Applicability Determination – Exemption 11 in Kinnelon Borough, Morris County. Applicant, Kinnelon Water Department must upgrade its water treatment system within a right of way. A small concrete building, housing pumps and associated materials is to be constructed. Highlands Council staff finding: Consistent with Goals of Highlands Act

**Personnel Update**

In the process of working to fill the full-time Land Preservation Coordinator/Regional Planner position. Four (4) candidates were interviewed in mid-December and will conduct 2 follow-up interviews.

In addition, the Highlands Council is currently seeking a part-time IT Coordinator to fill a vacant position. The job posting closed last Friday, January 8<sup>th</sup>.

Lastly, Ms. Plevin reported that the next Council Meeting is scheduled for February 18, 2021.

Chairman Richko asked Council members if they had any comments/questions regarding Ms. Plevin's Report.

Member Visioli asked if the project in Rockaway Township meets the 70% impervious surface. Ms. Plevin responded, yes, the project meets the 70% impervious coverage standard.

**APPROVAL OF HIGHLANDS COUNCIL MINUTES OF DECEMBER 3, 2020**

Chairman Richko asked for a motion on the Council Minutes of December 3, 2020

*Member Holtaway made a motion to approve the Highlands Council Minutes of December 3, 2020. Member Visioli seconded it.*

*A roll call vote was taken. The Highlands Council Minutes of December 3, 2020 were APPROVED 11-0.*

**BUDGET & FINANCE COMMITTEE**

**Resolution - Approval of Fiscal Year 2021 General Operating Budget**

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Committee Chair Holtaway reported that the Highlands Council received the same state appropriation of \$2,315,000 as in previous years. Carryover bank balance of \$213,877.67 from FY20 to FY21 for an expected FY21 General Operating Budget of \$2,531,877.67. The budget remains generally flat except for three categories: salary expense, IT, and other equipment/improvements to address the potential need to procure safety equipment, supplies and professional services for a safe return to work related to COVID-19.

Chairman Richko asked for a motion on the resolution.

*Member Holtaway made a motion. Member Visioli seconded it.*

Council Discussion

Member Van Abs inquired about the legal services line item and that Council typically comes under the amount allocated. Member Holtaway responded that the similar amount is used over the years and our legal expenses have been under control. Member Holtaway added that we are able to carryover what is not expended.

*A roll call vote was taken. The resolution was APPROVED 10-1.*

**Resolution - Approval of Fiscal Year 2021 Highlands Protection Fund Capital Budget**

Committee Chair Holtaway reported that the Highlands Council received the same state appropriation of \$2,182,352 as in previous years. Committee Chair Holtaway noted that Plan Conformance Petition Planning and Implementation grants will be made available to both municipalities not currently participating in the Plan Conformance Grant process and also those who have approved petitions and are planning to continue the RMP conformance process. Total estimated need is \$1,561,825. The Council has already taken action and approved grants totaling \$877,800. Staff estimates additional need of \$511,525 for new project allocations in the balance of the fiscal year.

Chairman Richko asked for a motion on the resolution.

*Member Visioli made a motion. Member James seconded it.*

There was no Council discussion.

Public Comment

**Hank Klumpp, Tewksbury, NJ** - Mr. Klumpp had questions regarding the funding for lake management grants. Chair Richko asked Mr. Klumpp to call Ms. Plevin to explain lake management funding.

*A roll call vote was taken. The resolution was APPROVED 10-1.*

**Resolution - Approval of FY2021 Highlands Protection Fund Capital Budget for Plan Conformance**

Committee Chair Holtaway reported on some grant requests:

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- Independence Township requests \$10,000 to complete an initial assessment of the impacts Plan Conformance will have on the Township. The assessment will focus on the ability of the Township to redevelop its commercial corridors, conformance in the Preservation and Planning Areas, as well as a Center Designation.
- Rockaway Township requests \$175,525 to take an active role in the management of the surrounding watersheds of numerous small and medium sized lakes to conduct a watershed assessment of the watersheds surrounding lakes.
- Randolph Township is a fully-conforming Highlands region municipality. For all subwatersheds, municipal plan conformance requires the development of Water Use and Conservation Management Plans (WUCMPs) that will set priorities for the use of available water.

Chairman Richko asked for a motion on the resolution.

*Member Holtaway made a motion. Member Visioli seconded it.*

There was no Council discussion.

Public Comment

**Patricia Seger, Business Administrator, Rockaway Township** – Ms. Seger thanked the Council for considering a grant to develop a Rockaway Township Watershed Management program. Ms. Seger submitted her comment for the record.

*A roll call vote was taken. The resolution was APPROVED 11-0.*

**OLD/NEW BUSINESS:**

Member Vohden followed up on last month's discussion regarding receiving zones and feasibility grants regarding the TDR program.

Chair Richko commented that an informational session was held with Highlands Council officers and Highlands Council staff on the TDR program. It was suggested at that meeting to offer this session to other members. Ms. Plevin added that she will send an email out to see who wishes to participate in a briefing on the TDR program.

Vice Chair Alstede encouraged Member Vohden to participate and made additional comments on the TDR program.

Chairman Richko opened the meeting to the public for any other comments.

Public Comment

**George Cassa, Califon, NJ** – Mr. Cassa followed up on the information posted on Council's website regarding the State Planning Commission's (SPC) Endorsement of the RMP. Mr. Cassa asked what the status is on the relationship regarding the SPC Endorsement of the RMP and if the Memorandum of

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Agreement (MOA) is signed and/or if it is contingent on a Plan & Implementation agreement. Chair Richko asked Mr. Cassa to call Ms. Plevin to answer any questions regarding the SPC's Endorsement of the RMP.

**Jim Duffy, Concerned Citizens of Chester Township** – Mr. Duffy followed up Council's discussion at its last meeting regarding synthetic turf fields installation anywhere in the Highlands region. Mr. Duffy asked: 1) if Council began taking any steps regarding the formulation of a policy on a construction of a synthetic field anywhere in the Highlands; and 2) is there anything Concerned Citizens of Chester Township can do to assist in the creation and advancement of that policy. Chair Richko asked Mr. Duffy to call Ms. Plevin to answer his questions regarding synthetic turf fields.

**Hank Klumpp, Tewksbury, NJ** - Mr. Klumpp spoke in opposition of the Highlands Act and the promise to compensate landowners.

**Julia Somers, New Jersey Highlands Coalition** – Ms. Somers thanked Council for going on Zoom for Council meetings.

**David Shope, Lebanon Township** – Mr. Shope spoke about the North Jersey Water Supply Authority 2004 Action Plan, which he presumes does not exist.

**Resolution – Executive Session**

Chair Richko announced that Council would enter into an executive session. Chief Counsel Christine LaRocca read the following resolution into the record:

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4 6 et seq., permits the holding of closed sessions by public bodies in certain circumstances, and the Highlands Water Protection and Planning Council ("Council") is of the opinion that those circumstances presently exist; and

WHEREAS, the Council will discuss a collective bargaining agreement within the meaning of N.J.S.A. 10:4 12(b)(4);

NOW, THEREFORE, BE IT RESOLVED, that the Council may enter into closed session at its public meeting of January 14, 2021 for that purpose. It is anticipated at this time that the nature of the closed session will be made public upon completion or resolution of the issues to be discussed, except any matter protected by the attorney client privilege will not be disclosed.

This Resolution shall become effective upon a roll-call vote of the Council.

Chair Richko requested a motion on the resolution.

*Member James made a motion. Member Holtaway seconded it.*

*A roll call vote was taken. The Resolution was approved 11-0.*

*Public portion of the meeting was temporarily dismissed at 5:26pm.*

*[EXECUTIVE SESSION]*

*The New Jersey Highlands Water Protection and Planning Council meeting resumed at 5:43pm.*

*Members Visioli left the meeting at 5:43pm.*

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Chair Richko asked for a motion to adjourn the meeting.

*Member Walton made a motion to adjourn the meeting. Member Holtaway seconded it. All were in favor. The meeting was adjourned at 5:44pm.*

**CERTIFICATION**

I hereby certify that the foregoing is a true copy of the minutes of the meeting of the Highlands Water Protection and Planning Council.

Date: 2/19/2021

Name: Annette Tagliareni  
Annette Tagliareni, Executive Assistant

Vote on the Approval of Minutes	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede			√			
Councilmember Dougherty			√			
Councilmember Dressler	√		√			
Councilmember Francis		√	√			
Councilmember Holtaway			√			
Councilmember James			√			
Councilmember Sebetich			√			
Councilmember Van Abs			√			
Councilmember Visioli			√			
Councilmember Vohden			√			
Councilmember Walton			√			
Chairman Richko			√			